Sectt. II-48—6,001—26-9-15.

Govt. of France (1921) Department.

1921 SERIES.

G.O. No. 2284.

DATED 14-12-21

[Despatch Abstract.]

Legislative Council meeting — Octr 1921

— question — Rules Kumaki previous —

the South Kamara [illegible]

Q R A

D 1987 1/1
31.8.21

1,000—22-7-21.

QUESTION.—No. 731 for the meeting of the Legislative Council to be held ~~on the~~ in September 1921

SUBMITTED that two copies of this Question may be forwarded to the Development Department.

The Question has been admitted.

DRA 30/8/21

D.S 30-8-21

U.O. No. 2333-*f dated* 31-8-21.

To

The Development Department.

Council Office.

Question. 20th August 1921

Mr. K. Sadasiva Bhat.

The Devlopment Department.

730. To ask the Hon'ble the Home Member to state:-

(a) the number of cases in which the Collector of South Kanara has suspended or withdrawn Kumki privileges under Rule 7A of the general Forest Rules under section 26 of the Forest Act in the last 3 years;

(b) in how many of these cases the Kumkis consisted of timber jungle conserved by the ryots concerned;

c) in how many of such cases appeals were preferred to the Board of Revenue, and in how many of such appeals the Collector's orders were modified of reversed;

(d) if the Collector is authorised to withdraw Kumki privileges without hearing the party affected to show cause against;

and (e) if so whether the Government will be pleased to direct that before such powers are exercised the party affected thereby should be heard and afforded an opportunity to compensate the Government for any loss of produce or compound the alleged violation of rules.

3

Government of Madras.
DEVELOPMENT DEPARTMENT.

Mr. K. Sadasiva Bhat

Question No. 730.- To ask the Hon'ble the Home Member to state:--

(a) the number of cases in which the Collector of South Kanara has suspended or withdrawn kumaki privileges under 7 A of the general forest rules under section 26 of the Forest Act in the last 3 years;

(b) in how many of these cases the kumakis consisted of timber jungle conserved by the ryots concerned;

(c) in how many of such cases appeals were preferred to the Board of Revenue, and in how many of such appeals the Collector's orders were modified or reversed;

(d) if the Collector is authorised to withdraw kumaki privileges without ~~xxxxx~~ asking the party affected to show cause; and

(e) if so, whether the Government cannot direct that, before such powers are exercised, the party affected thereby should be heard and afforded an opportunity to compensate the Government for any loss of produce or compound the alleged vio-lation of rules.

A N S W E R:--

The Government are not in possession of the information desired in clauses (a) to (c) of the question, and as at pre-sent advised do not see any reason to modify the rules regard-ing the exercise of kumaki privileges. The rules expressly provide that when exercising the powers of suspending or with-drawing any such privilege the Collector shall record his reasons in writing, and if in any case those reasons are in-adequate the person affected has a remedy in the shape of an appeal to the Board of Revenue.

DISPATCHED
9 SEP 1921

Fort St.George,
9th September 1921

J. M. Turing,
Secretary to Government

To the Legislative Council Office.

The above answer has been approved by the Hon'ble Sir Lionel Davidson, K.C.S.I.

P.T.O.

forwarded to the Legislative Council Office.

(By Order)

UNDER SECRETARY TO GOVERNMENT.

G.V.K./9-9-21.

4 2 1

DEVELOPMENT DEPARTMENT.

To UNDER SECRETARY.

Please see the Legislative Council Question in the current file. The question has been admitted.

2. Kumaki means aids to cultivation. For a definition of kumaki lands in the South Kanara District and the restrictions under which kumaki privileges may be enjoyed by landholders, please see rule 7-A at page 38 of the Forest Manual The rules give power to the Collector to withdraw any or all the privileges on the occurrence of any abuse or violation of the rules.

3. The statistics asked for by the Member in clauses (a), (b) and (c) of his question are not available in this office.

Clauses (d) and (e). In passing an order withdrawing any privilege the Collector is required to record his reasons in writing.

cl 5 at p.38 of the manual

There is nothing in the rules requiring him to ask the parties affected to show cause why the proposed order should not be passed. It has to be remembered that kumaki is a privilege

4. For orders whether any report should be called for from the Collector and the Chief Conservator.

Ref 2.9.28

Can file may go to C.C for remarks

5/ 2.9.24

CHIEF CONSERVATOR OF FORESTS * MADRAS * 3 SEP. 1924

Yes but the Collr in the B'd can apply in some forests Under C.C. the my proposal Collr for orders. Final B'd

3.9.2

Please for DE

DE 3/9

Dev no. (98) I/24-
3-9-24

C.C. no

Noted

Mere decree found at p 2 infra There is no information in this file on any of the points (a) (b) & (c) in the Q. question

2 As regards clause (d), the rules at pp 38-39 of the General Manual contain no provision authorising the Court to suspend or withdraw the privilege without asking the party to show cause Rule 7(5) of the rules at p 38 of the Manual provides that before passing an order of dismissal or withdrawal of the privilege, the Court should record its reasons in writing. In doing so he will perhaps examine the party before coming to the decision

3 The question referred in clause (e) will arise if the procedure prescribed is as the Rule describes it. If as a matter of fact the Court hears the party's objection on the part of the person concerned there is the no need for such acts The Secretariat may make a

"A" 6

10/9
6/9

a paper cuttings the Collector -

SECRETARY TO GOVERNMENT OF MADRAS
-7 SEP 1921
I

Sec DD. Has Law no information on the subject

S.C.
dc 7-
9/9/21

U.C. 171
6/9/21

Such a case is a matter
which will have to be

C. 7.9

D. 2044-I
Sept 7.9.21

The answer may be as follows:-

The Government are not in possession of the information desired in clauses (a) to (c) of the question, and as at present advised do not see any reason to modify the rules regarding the exercise of kumki privileges. The rules expressly provide that when exercising the powers of suspending or withdrawing any such privilege the Collector shall record report his reasons in writing, and if in any case those reasons are inadequate the person affected has a remedy in the shape of an appeal to the Board of Revenue."

Copied by G.V.K./9-9.
Examined by
Signed
Despatched 9/9

DESPATCHED
9 - SEP 1921

8.9.21

8-9-21

1

Secrt. II-10 (a)—26,596—11-4-21. ..... DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined		
When signed		
When despatched		

READ AGAIN G

" "

READ ALSO:-

C. No. .....

" " .....

Kumaki privileges.

713 Q.—MR. R. SADASIVA BHAT: To ask the Hon'ble the Home Member to state—

(*a*) the number of cases in which the Collector of South Kanara has suspended or withdrawn *kumaki* privileges under 7-A of the general forest rules under section 26 of the Forest Act in the last three years;

(*b*) in how many of these cases the *kumakis* consisted of timber jungle conserved by the ryots concerned;

(*c*) in how many of such cases appeals were preferred to the Board of Revenue, and in how many of such appeals the Collector's orders were modified or reversed;

(*d*) if the Collector is authorized to withdraw *kumaki* privileges without asking the party affected to show cause; and

(*e*) if so, whether the Government cannot direct that, before such powers are exercised, the party affected thereby should be heard and afforded an opportunity to compensate the Government for any loss of produce or compound the alleged violation of rules.

[12th October 1921

A.—The Government are not in possession of the information desired in clauses (*a*) to (*c*) of the question, and as at present advised do not see any reason to modify the rules regarding the exercise of kumaki privileges. The rules expressly provide that when exercising the powers of suspending or withdrawing any such privilege the Collector shall record his reasons in writing, and if in any case those reasons are inadequate the person affected has a remedy in the shape of an appeal to the Board of Revenue.

192

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ORDER No. 9284, dated 14. 12. 1921

Abst

Leg Ass Mtg 1921 — Question — Rules — Kumaki privileges in the South Kanara dist

× Forests — Kumakis

Recorded

13.12.21

12-12-21

13.12.21